DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

(COMPLETE IF KNOWN)

(COMI EDIZII IIIVO WIV)		
Application Number	To be assigned	
Filing Date	Herewith	
Group Art Unit	To be assigned	
Examiner	To be assigned	
Group Art Unit	To be assigned	

Attorney Docket Number	4700-5
First Named Inventor	McTernan

This declaration is (check one):	This application is of the following type:
submitted with initial filing;	utility;
submitted after initial filing;	design;
a supplemental declaration.	national stage of PCT;
	divisional, continuation or continuation-in-part

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

SYSTEM AND METHOD FOR USING BENCHMARKING TO ACCOUNT FOR VARIATIONS IN CLIENT CAPABILITIES IN THE DISTRIBUTION OF A MEDIA PRESENTATION

the specification of which	: (check one)	
is attached hereto; or		
was filed on	as U.S. Application Serial No/	_ and is/was amended on
(if applic	able);	
was described and cla	imed in PCT International Application No	, filed on
and w	as amended under PCT Article 19 on	(if applicable).
I hereby state that I have a specification, including the	reviewed and understand the contents of the a ne claims, as amended by any amendment refe	above identified erred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby identify below, and where indicated claim foreign priority benefits under Title 35, United States Code §§ 119(a)-(d) or §§ 365(a)-(b) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America, filed within 12 months (6 months for design) prior to this application, and have also identified below any foreign application(s) for patent or inventor's

Page 1 of 3

BRMFS1 234769v1

certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed (if any):

Foreign/PCT Application Number	Country	Filing Date (MM/DD/YYYY)	P	riority Claimed
				es No
				es No
				es No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below (if any):

Provisional Application No.	Filing Date
60/177,397	January 21, 2000
60/177,394	January 21, 2000
60/177,396	January 21, 2000
60/177,395	January 21, 2000
60/177,398	January 21, 2000
60/177,399	January 21, 2000
60/182,434	February 15, 2000
60/204,386	May 10, 2000

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International Application designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S./PCT Parent Application No.	Filing Date	Status (Patented, Pending, or Abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Page 2 of 3

BRMFS1 234769v1

17:18

As a named inventor, I hereby appoint the following attorney(s) or agent(s) with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

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(check one) Sheets containing additional joint inventors are, are not attached hereto.			

Page 3 of 3

BRMFS1 234769v1